UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,092	06/08/2006	Shai Porat	1374-US	1984

24505 7590 08/04/2008			

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ART UNIT	PAPER NUMBER
4163	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-26_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _06/08/2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some *   c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _05/02/2007_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-8, 19-22, and 24 are rejected under 35 U.S.C. 102 (b) as being

anticipated by Cheston et al (US 6,330,308).

3.   Regarding claims 1 and 20, Cheston discloses a personal messaging system

and method (See claim 1) comprising:

a portable device (See column 3, line 56) for recording and transmitting a voice

message; and

a server (See column 13, lines 31-34 Master Control Unit) operative to:

receive said voice message (See column 6, lines 6); extract the identity (See column 6,

lines 15-19) of a recipient from a predefined portion of said voice message; look up said

recipient identity in a database associated with the sender of said message in which at

least one recipient identity is associated with at least one destination address (See

abstract, line 14); compose an outgoing message based on said voice message (See

column 6, lines 19-22); and

transmit (See column 6, line 18) said outgoing message to at least one destination

address associated with said recipient identity in said database or directory (See

column 16) .

4.   Regarding claim 2, Cheston discloses the system in accordance with claim 1,

wherein said portable device is adapted for wireless communication such (e.g. cellular

communication, see column 3, line 56) with a wireless network operator, service

provider, or carrier (See column 21, line 6).

5.   Regarding claim 3, Cheston teaches the system according to claim 2 wherein

said wireless network operator is a cellular telephone operator operative to enable data

transmission or inter-exchange between said portable device and said server (See

claim 28).

6.   In reference to claim 4, Cheston teaches the system according to claim 1,

wherein said portable device is incorporated into any of a mobile telephone, a pager, a

portable computer, and a navigation device (Note that a mobile phone or cellular

telephone operative to perform the tasks as described above, it implies that it

incorporates the portable device, See column 3, line 56). .

7.   In claims 5, Cheston teaches the system according to claim 1 and further

comprising a receiver operative to receive (receiving the transmitted message, See

claim 20, line 56) said outgoing message from said server.

8.   Regarding claim 6, Cheston further discloses the system in accordance with

claim 5 wherein said receiver is any of an e-mail client, a voice mailbox, an SMS-

capable device, a pager, a fax machine, a telephone, a mobile telephone (See column

3, line 56).

9.   As for claims 7 and 21 Cheston further discloses the system and method in

accordance with claims 1 and 20 respectively, wherein said predefined portion is of a

predefined beginning end of said voice message (e.g. at the start of the process, prompt

the user to record the identity of the recipient, See column 18, lines 26-36).

10.   Regarding claims 8 and 22 Cheston teaches the system in accordance with

claims 1 and 20 respectively, wherein said server is operative to send a confirmation

message to said portable device confirming that said outgoing message was sent to

said intended recipient (See column 20, lines 35-36).

11.   In claim 19, Cheston discloses the system according to claim 1, he further

teaches that destination address is either of a telephone number (See column 14, lines

12) and a network address or ID (See column 12, line 2)

12.   Regarding claim 24, Cheston discloses the method in accordance with claim 20

and further comprising determining the identity of said sender (See column 6, lines 15-

19).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness

under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

14.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston

in view of Wells et al (US 6,125,281).

15.   As in claim 9, Cheston teaches the system in accordance with claim 8, However

Cheston does not explicitly teach that the confirmation message is an alphanumeric

message (e.g. SMS), Wells on the other hand teaches a method and means for

performing steps of the method comprising sending a confirmation message from the

server or database controller to the mobile phone wherein this confirmation message is

an alphanumeric message (e.g. SMS, see claim 10). It would have been obvious to one

of ordinary skill in the art at the time of the invention to implement the confirmation

message in a conventional form such as SMS which is an alphanumeric message

because the confirmation message might carry information, if necessary, containing the

recipient phone number, name, date/time of receipt, and/or confirmation number.

16.   Claims 10, 11, and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cheston in view of Dear (US 2004/0005914)

Regarding claim 10, Cheston teaches the system in accordance with claim 1. Cheston

does not teach explicitly a system wherein said portable device comprises:

a keypad for activating said portable device; a microphone for recording said voice

message; a positioning unit for determining the location of said portable device at the

time said voice message is recorded; a processing and control unit for compressing

said voice message; a wireless communicator for transmitting said voice message to

said server; and a display for displaying a confirmation message sent by said server to

said portable device confirming that said outgoing message was sent to said intended

recipient. However Dear does teach said portable device comprising:

a keypad (See figure 1, item 8) for activating said portable device; a microphone (See

figure 1, item 9) for recording said voice message; a positioning unit (See figure 1, item

33) for determining the location of said portable device at the time said voice message

is recorded; a processing and control unit (See figure 1, item 2) for compressing said

voice message; a wireless communicator (See figure 1, item 17 and 16) for transmitting

said voice message to said server; and a display (See figure 1, item 10 also paragraph

[0040], line 6) for displaying a confirmation message sent by said server to said portable

device confirming that said outgoing message was sent to said intended recipient.

It would have been obvious to use the specific phone of Dear instead of the generic

phone of Cheston in order to add more functionality (location detection, message

recording...). Furthermore, it would have been obvious to one skilled in the art to

integrate sub-systems and circuits into a portable device that will carry said particular

tasks as in claim 1.

17.   Regarding claim 11, Cheston in view of Dear teaches the system according to

claim 10. Although Cheston does not explicitly teach that the identity of said sender is

pre-programmed in said portable device. However, the examiner takes official notice

that it is well known in the mobile communication art that upon initial subscription of the

user to a service provider and activation of the service, he/she receives a mobile that is

pre-programmed with an identity (e.g. MSID, phone number...) number that identifies

the mobile and its home designated location register. Therefore, it would have been

obvious to use portable devices pre-programmed with identity of sender, because

Cheston's phone would be identifiable when communicating with the server.

18.   In reference to claim 23, Cheston teaches the method in accordance with claim

20, Cheston further teaches displaying a confirmation message confirming that said

outgoing message was sent to said intended recipient (See column 20, lines 35-36).

Cheston does not teach the method comprising:

Determining the location of said sender at the time said voice message is

recorded; and compressing said voice message. However, Dear does teach the method

of determining the location of said sender at the time said voice message is recorded. It

would have been obvious to one of ordinary skill in the art to include the method of

determining the location of the sender as taught by Dear in the system of Cheston,

because it will permit Cheston to track the sender location in emergency cases or

monitoring the service boundaries when roaming.

Furthermore, the examiner takes official notice that compressing audio information in general and voice data in particular is a technique well known and within the grasp of one of ordinary skill in the art. It would have been obvious for Cheston to compress voice data because it maximizes bandwidth of data transmission.

19.   Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston in view of Dear and in further view of Bottan (US 2002/0042846).

20.   Regarding claims 12 and 25, Cheston in view of Dear teaches the method in accordance to claims 11 and 24 respectively, Cheston in view of Dear does not explicitly teach said processing and control unit is operative to combine said sender identity, said sender current location, and said processed voice message into a single message, and convert said single message into a format suitable for data transmission. However, Bottan discloses a system wherein a control unit operates to combine said sender identity, said sender current location (See paragraph [0108]), and said processed voice message into a single message, and convert said single message into a format suitable for data transmission (See figure 1, item 114).

It would have been obvious to one of ordinary skill in the art to implement the system to combine the identity of the sender, its location, and voice message into a single message as taught by Bottan in the system of Cheston in view of Dear, because it will permit the control unit which is contained in the server (Master Control Unit) to send the message into a compact form carrying the essential information about the message, which are: the identity of the source, the size/date of the voice message, location from

which the message was generated, and the actual compressed/uncompressed audio

format of the voice message.

21.   Claims 13, 14, 16-18 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cheston in view of Bottan in further view of Bjornberg et al (US

6389,126).

22.   In reference to claims 13 and 26, Cheston teaches the system in accordance to

claims 1 and 20 respectively, wherein said server comprises:

speech recognition engine (See column 6, line 19); an outgoing message composer

(this component is inherent in the system, see column 6, line 27-31); an incoming

message analyzer operative to (inherent component, see claim 21) :

prepare any of said received message for analysis (e.g. initiating message retrieval, see

column 6, lines 35-39);

extract the identity (See column 6, line 9) of said sender and said sender's current

location from said received message; employ said speech recognition engine to extract

said recipient identity from said predefined portion (See claim 8); and transfer said

received message, said sender and recipient identities, said destination address, the

date and time of the creation of said received message, and said sender location

information to said outgoing message composer;

However, Cheston does not explicitly teach the server comprising:

A message queue for receiving said voice messages;

A mapping unit;

A provisioning and personalization unit including said database, wherein said database includes user-level information.

An incoming message analyzer operative to employ said mapping unit to translate said sender location into conventional location information; extract said sender location information to said outgoing message composer.

Nonetheless, Bottan as described in claim 12 teaches the location data being part of the message to be transmitted to the server (See paragraph [0108]), and thus inherently consists of an element operative to employ a mapping unit to translate sender's location into conventional location information and extract the location information to an interface such as an outgoing message composer. He also discloses a provisioning and personalization unit including said database (See paragraph [0033]), wherein said database includes user-level information (See paragraph [0105]).

Bottan further teaches said outgoing message composer (the unit that enables message construction is inherent in Bottan's disclosure because the feature of issuing a message or notification, see paragraph [0181], as done by the server implies an integrated unit such as processor responsible for constructing or composing the outgoing message, See paragraph [0175], line 3) is operative to compose an outgoing message (See paragraph [0175], line 6-7) from said information received from said incoming message analyzer (also the processor) in accordance with at least one predefined message handling rule or rule conditions (See paragraph [0026], lines 6-10 and paragraph [0147], line 22).

It would have been obvious to one of ordinary skill in the art to add the mapping feature

for locating the sender because it will allow the server to track the sender's device

displacement to other visiting registers when roaming and locating the sender in case of

emergency. Note that computing the location from a mobile or from the base-station is a

technique well within the grasp of one of ordinary skill in the art.

Moreover, handling rule is a set of conditions that determine based on the identity

information and the content of the message to be transmitted to the recipient, whether

he/she has preferred (personalization) applications applicable to the message sent.

Handling rule also applies any service parameters based on the subscription or service

plan. It would have been obvious to one of ordinary skill in the art at the time of the

invention to implement the outgoing message composer operative to transmit the

message in accordance with a predefined message handling rule because it will permit

the service provider to apply requested preferences or restrictions by the sender and

also to monitor faults of message transmissions if certain conditions are not met.

Cheston in view of Bottan fails to explicitly teach that server comprises a message

queue for receiving said voice message. However, Bjornberg discloses a server (e.g.

application server) comprising a message queue for receiving voice messages (See

column 10, lines 5-7). It would have been obvious to one of ordinary skill in the art at the

time of the invention to combine Cheston's invention in view of Bottan with Bjornberg

because the server is to dispatch the outgoing message based on the handling rules in

the order in which it was recorded or received, so the message queuing application on

the server operating system maintains real time monitoring of queued message when received.

23.   Regarding claim 14, Cheston in view of Bottan and Bjornberg discloses the method according to claim 13, Cheston in view of Bottan and Bjornberg does not teach the handling rule is a user-level message handling rule. But Bottan further discloses said predetermined message handling rule is a user-level (subscriber) message handling rule (See paragraph [0105]).

It would have been obvious to one of ordinary skill in the art to implement the message handling rule at a user-level because as mentioned above, because will permit the sender to apply predefined preferences or rules for the distribution of transmission of messages.

24.   In reference to claim 16, Cheston in view of Bottan and Bjornberg teaches the system according to claim 13. Cheston further teaches the system further comprising a dispatcher for sending said outgoing message to a receiver at said destination address (See column 11, lines 64-67).

25.   Regarding claim 17, Cheston in view of Bottan and Bjornberg teaches the system according to claim 13. Cheston further teaches the system wherein said outgoing message is any of text, voice, and data (See column 13, lines 15-21).

26.   In reference to claim 18, Cheston in view of Bottan and Bjornberg discloses the system in accordance with claim 13; Cheston further teaches the system wherein user information includes a personal address book or directory associated with said sender including:

A list of recipients along with either of a telephone address and a network address to which messages are to be sent, voice samples of recipient names for use with said speech recognition engine to identify said recipients (See claim 8). However, Cheston does not explicitly teach the system wherein said user-level information includes a personal address book associated with said sender including any of:

c) A handling rule for messages.

d) A personal phone number, and

e) A credit card number.

Bottan teaches the system wherein said user-level information includes a personal address book associated with said sender including any of:

c) A handling rule for messages (See paragraph [105]).

d) A personal phone number or contacts (See paragraph [0091]), and

e) A credit card number (See paragraph [0174], lines12-13).

It would have been obvious to one of ordinary skill to employ the scheme of user-level information with its corresponding handling rule to Cheston's invention because it will enable the sender or subscriber not only to conveniently automate their messaging but also to personalize their messaging experience. For example, in view of Bottan, one of ordinary skill in the art would have thought of using the identifying portion of the voice message by means of voice recognition unit which identifies the recipient and selecting by means of server the relevant contact and personal data (personal contacts, records, credit cards numbers…) and routing this information to the recipient.

27.   Claim15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston

in view of Bottan and Bjornberg as applied to claim 13 above, and further in view of Bice

(US 2002/0188688).

28.   Regarding claim 15, Cheston in view of Bottan and Bjornberg discloses the

method according to claim 13. Although Cheston in view of Bottan and Bjornberg does

not explicitly disclose said predetermined message handling rule is a system-level (e.g.

service provision of agreed system resources) message handling rule, said system-level

handling rules are known to one of ordinary skill. Yet, it is provided that Bice discloses

the handling rule is a system-level message handling rule (See abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to conceive the messaging system with system-level handling rules as taught by Bice to

provide service (service provider) based on rules in the sender's subscription profile.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Goldberg et al (US 6,075,844) discloses a message routing system based

on an ID or recorded name of the recipient in the message from a remote device, the

recipient name (therefore the destination number or address) is derived by means of

speech recognition software.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571) 270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163